

2013 DRAFTING REQUEST

Bill

Received: 3/18/2013	Received By: mkunkel
Wanted: As time permits	Same as LRB:
For: Scott Krug (608) 266-0215	By/Representing: Randy Thorson
May Contact:	Drafter: mkunkel
Subject: Trade Regulation - other	Addl. Drafters:
	Extra Copies: MPG, ARG

Submit via email: **YES**
 Requester's email: **Rep.Krug@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Installation of adaptive driving equipment

Instructions:

Redraft 11-3272 with changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 3/18/2013	scalvin 3/29/2013	phenry 4/1/2013	_____			
/1	mkunkel 7/3/2013			_____	mbarman 4/1/2013		State
/2	mkunkel 9/4/2013	scalvin 7/16/2013	rschluet 7/16/2013	_____	srose 7/16/2013		State
/3		scalvin	rschluet	_____	lparisi	lparisi	State

Vers. Drafted

Reviewed
9/5/2013

Typed
9/5/2013

Proofed

Submitted
9/5/2013

Jacketed
11/1/2013

Required

FE Sent For:

<END>

→ At
Intro.

2013 DRAFTING REQUEST

Bill

Received:	3/18/2013	Received By:	mkunkel
Wanted:	As time permits	Same as LRB:	
For:	Scott Krug (608) 266-0215	By/Representing:	Randy Thorson
May Contact:		Drafter:	mkunkel
Subject:	Trade Regulation - other	Addl. Drafters:	
		Extra Copies:	MPG, ARG

Submit via email: **YES**
Requester's email: **Rep.Krug@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Installation of adaptive driving equipment

Instructions:

Redraft 11-3272 with changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 3/18/2013	scalvin 3/29/2013	phenry 4/1/2013	_____			
/1	mkunkel 7/3/2013			_____	mbarman 4/1/2013		State
/2	mkunkel 9/4/2013	scalvin 7/16/2013	rschluet 7/16/2013	_____	srose 7/16/2013		State
/3		scalvin	rschluet	_____	lparisi		State

Vers. Drafted

Reviewed
9/5/2013

Typed
9/5/2013

Proofed

Submitted
9/5/2013

Jacketed

Required

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 3/18/2013 Received By: mkunkel
Wanted: As time permits Same as LRB:
For: Scott Krug (608) 266-0215 By/Representing: Randy Thorson
May Contact: Drafter: mkunkel
Subject: Trade Regulation - other Addl. Drafters:
Extra Copies: MPG, ARG

Submit via email: YES
Requester's email: Rep.Krug@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Installation of adaptive driving equipment

Instructions:

Redraft 11-3272 with changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 3/18/2013	scalvin 3/29/2013	phenry 4/1/2013	_____			
/1	mkunkel 7/3/2013			_____	mbarman 4/1/2013		State
/2	emueller 7/3/2013	scalvin 7/16/2013	rschlact 7/16/2013	_____	srose 7/16/2013		State

13 sac
09/05/2013

9513

JK

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 3/18/2013 Received By: mkunkel
Wanted: As time permits Same as LRB:
For: Scott Krug (608) 266-0215 By/Representing: Randy Thorson
May Contact: Drafter: mkunkel
Subject: Trade Regulation - other Addl. Drafters:
Extra Copies: MPG

Submit via email: YES
Requester's email: Rep.Krug@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Installation of adaptive driving equipment ✓

Instructions:

Redraft 11-3272 with changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 3/18/2013	scalvin 3/29/2013	pherry 4/1/2013	_____			
/1				_____	mbarman 4/1/2013		State
12	7/3/13			_____			

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received:	3/18/2013	Received By:	mkunkel
Wanted:	As time permits	Same as LRB:	
For:	Scott Krug (608) 266-0215	By/Representing:	Randy Thorson
May Contact:		Drafter:	mkunkel
Subject:	Trade Regulation - other	Addl. Drafters:	
		Extra Copies:	MPG AR6

Submit via email: **YES**
 Requester's email: **Rep.Krug@legis.wi.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Installation of adaptive driving equipment

Instructions:

Redraft 11-3272 with changes

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel	/1 sac 03/29/2013	4/ 1ph	ph/jr			

FE Sent For:

<END>

Kunkel, Mark

From: Gallagher, Michael
Sent: Friday, March 15, 2013 2:03 PM
To: Kunkel, Mark
Cc: Gary, Aaron
Subject: FW: Bill request Adaptive Driving
Attachments: adaptive driving bill draft Jan 2013.pdf

Mark: Have you already done a redraft of this 2011 bill for this session, for another legislator? Do you want this one too?

From: Thorson, Randy
Sent: Friday, March 15, 2013 1:58 PM
To: Gary, Aaron; Gallagher, Michael
Subject: Bill request Adaptive Driving

Erin & Mike,

Here is the bill draft from last year. It was suggested that I send it to both of you.

Please note that we do NOT want the requirement included on needing to be a driver's education instructor or driver rehabilitation specialist (crossed out parts) and the circle represents adding -al to occupation for occupational.

Thanks. If you have any questions please contact me.

Randy Thorson
Research Assistant to
Scott Krug
State Representative
72nd Assembly District



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3272/1
MDK:kjf:jm

2011 BILL

- 1 AN ACT *to create* 100.204 of the statutes; **relating to:** motor vehicle adaptive
2 equipment for drivers with physical disabilities and granting rule-making
3 authority.

Analysis by the Legislative Reference Bureau

This bill regulates the installation of equipment that allows an individual with a physical disability to safely operate a motor vehicle. The bill refers to such equipment as "adaptive equipment." Under the bill, a person may install adaptive equipment for an individual in a manner that alters any original part or equipment in a motor vehicle only if the individual provides the person installing the adaptive equipment with both of the following: 1) a physician's written referral authorizing the individual's use of the adaptive equipment; and 2) written documentation that an occupational or physical therapist has recommended the adaptive equipment. The occupational or physical therapist's recommendation must be based on an evaluation of the individual's operation of a motor vehicle using mechanical, electronic, or computer equipment that is similar to the adaptive equipment that is recommended. In addition, the occupation or physical therapist must also be both a driver education instructor and a driver rehabilitation specialist. The bill defines a "driver rehabilitation specialist" as an individual certified by the Association for Driver Rehabilitation Specialists or an individual who satisfies qualification requirements specified in rules promulgated by the Department of Agriculture, Trade and Consumer Protection (DATCP).

The bill also prohibits any individual from providing an evaluation or training on the use of adaptive equipment unless the individual is both a driver education

BILL

instructor and a driver rehabilitation specialist, and the individual either: 1) is an occupational or physical therapist; or 2) works in health care under the direction of a physician, occupational therapist, or physical therapist.

The bill is enforced by DATCP. A person who violates the bill is subject to a criminal fine not exceeding \$200, imprisonment not exceeding six months, or both.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.204 of the statutes is created to read:

2 **100.204 Motor vehicle adaptive equipment. (1)** DEFINITIONS. In this
3 section:

4 (a) "Adaptive equipment" means equipment that allows an individual with a
5 physical disability to safely operate a motor vehicle.

6 (b) "Driver rehabilitation specialist" means an individual with an unexpired
7 driver rehabilitation specialist certification issued by the Association for Driver
8 Rehabilitation Specialists, or a successor organization, or an individual who, as
9 specified in rules promulgated by the department, is qualified to plan, develop,
10 coordinate, and implement driver rehabilitation services for individuals with
11 physical disabilities.

12 (c) "Qualified instructor" has the meaning given in s. 343.07 (1c).

13 **(2) INSTALLATION OF ADAPTIVE EQUIPMENT.** No person may install adaptive
14 equipment in a motor vehicle in a manner that alters any original part or equipment
15 in the motor vehicle as sold by the manufacturer unless the individual with a
16 physical disability for whom the adaptive equipment is installed provides the person
17 with all of the following:

BILL

(a) A written referral of a physician, as defined in s. 448.01 (5), authorizing the individual's use of adaptive equipment.

(b) Written documentation that an occupational therapist or physical therapist, licensed under ch. 448, has recommended the adaptive equipment for the individual based on the therapist's evaluation of the individual's operation of a motor vehicle using mechanical, electronic, or computer equipment that is similar to the adaptive equipment that is recommended.

(3) ADAPTIVE EQUIPMENT TRAINING. No individual may provide ~~an evaluation or~~ training on the use of adaptive equipment unless the individual is a qualified instructor and a driver rehabilitation specialist and the individual satisfies one of the following:

(a) The individual is licensed as an occupational or physical therapist under ch.

448.

(b) The individual works in health care under the direction of a physician, occupational therapist, or physical therapist, licensed under ch. 448.

(END)

“RESEARCH APPENDIX”

... Drafting History Reproduction Request Form ...

 **DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN**


(Request Made By: MDK) (Date: 3/18/13)

Note:

***BOTH DRAFTS SHOULD HAVE THE
SAME “REQUESTOR”***


(exception: companion bills)



☒  Please transfer the drafting file for
2011 LRB -3272 (For: Rep. Sen. Krug)
to the drafting file for

2013 LRB -1918 (For: Rep. Sen. Krug)

-----OR-----

☐  Please copy the drafting file for
2013 LRB _____ / _____ (include the version) (For: Rep. / Sen. _____)

and place it in the drafting file for
2013 LRB _____ (For: Rep. / Sen. _____)

 Are These “Companion Bills” ?? ... Yes No

If yes, who in the initial requestor’s office authorized the copy/transfer of the drafting history

(“guts”) from the original file: _____



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3272/1

MDK:lrm

NOTE

2011 BILL
3

keep

sec

-1918/1

RM NOT
RUN

IN
3-18

gen cat

per

- 1 AN ACT *to create* 100.204 of the statutes; **relating to:** motor vehicle adaptive
- 2 equipment for drivers with physical disabilities and granting rule-making
- 3 authority.

Analysis by the Legislative Reference Bureau

This bill regulates the installation of equipment that allows an individual with a physical disability to safely operate a motor vehicle. The bill refers to such equipment as "adaptive equipment." Under the bill, a person may install adaptive equipment for an individual in a manner that alters any original part or equipment in a motor vehicle only if the individual provides the person installing the adaptive equipment with both of the following: 1) a physician's written referral authorizing the individual's use of the adaptive equipment; and 2) written documentation that an occupational or physical therapist has recommended the adaptive equipment.

The occupational or physical therapist's recommendation must be based on an evaluation of the individual's operation of a motor vehicle using mechanical, electronic, or computer equipment that is similar to the adaptive equipment that is recommended. In addition, the occupational or physical therapist must also be both a driver education instructor and a driver rehabilitation specialist. The bill defines a "driver rehabilitation specialist" as an individual certified by the Association for Driver Rehabilitation Specialists or an individual who satisfies qualification requirements specified in rules promulgated by the Department of Agriculture, Trade and Consumer Protection (DATCP).

The bill also prohibits any individual from providing an evaluation or training on the use of adaptive equipment unless the individual is both a driver education

the
therapist's

other

BILL

INSEPT 2A

instructor and a driver rehabilitation specialist, and the individual either: 1) is an occupational or physical therapist; or 2) works in health care under the direction of a physician, occupational therapist, or physical therapist.

The bill is enforced by DATCP. A person who violates the bill is subject to a criminal fine not exceeding \$200, imprisonment not exceeding six months, or both.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.204 of the statutes is created to read:

100.204 Motor vehicle adaptive equipment. (1) DEFINITIONS. In this section:

(a) "Adaptive equipment" means equipment that allows an individual with a physical disability to safely operate a motor vehicle.

(b) "Driver rehabilitation specialist" means an individual with an unexpired driver rehabilitation specialist certification issued by the Association for Driver Rehabilitation Specialists, or a successor organization, or an individual who, as specified in rules promulgated by the department, is qualified to plan, develop, coordinate, and implement driver rehabilitation services for individuals with physical disabilities.

(c) "Qualified instructor" has the meaning given in s. 343.07 (1c). ✓

(2) INSTALLATION OF ADAPTIVE EQUIPMENT. No person may install adaptive equipment in a motor vehicle in a manner that alters any original part or equipment in the motor vehicle as sold by the manufacturer unless the individual with a physical disability for whom the adaptive equipment is installed provides the person with all of the following:

BILL

1 (a) A written referral of a physician, as defined in s. 448.01 (5), authorizing the
2 individual's use of adaptive equipment.

3 (b) Written documentation that an occupational therapist or physical
4 therapist, licensed under ch. 448, has recommended the adaptive equipment for the
5 individual based on the therapist's evaluation of the individual's operation of a motor
6 vehicle using mechanical, electronic, or computer equipment that is similar to the
7 adaptive equipment that is recommended.

8 (3) ADAPTIVE EQUIPMENT TRAINING. (a) No individual may provide an evaluation or
9 training on the use of adaptive equipment unless the individual is a qualified
10 instructor and a driver rehabilitation specialist and the individual satisfies one of
11 the following:

12 1. (a) The individual is licensed as an occupational or physical therapist under ch.
13 448.

14 2. (b) The individual works in health care under the direction of a physician,
15 occupational therapist, or physical therapist, licensed under ch. 448.

16 (END)

INSEPT 3-15

NOTE

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1918/lins
MDK:.....

1

no 91

INSERT 2A:

The bill defines a "driver rehabilitation specialist" as an individual certified by the Association for Driver Rehabilitation Specialists or an individual who satisfies qualification requirements specified in rules promulgated by the Department of Agriculture, Trade and Consumer Protection (DATCP).

2

INSERT 3-15:

3

(b) Paragraph (a) does not apply to an evaluation by an occupational or physical

4

therapist, licensed under ch. 448, that is described in sub. (2) (b). ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1918/1dn

MDK: j:....

sue

-date-

Rep. Krug:

✓
This bill is identical to 2011 LRB-3272/1, except for changes to the analysis that you requested, as well as the new exception in proposed s. 100.204 (3) (b),[✓] which is consistent with those changes.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1918/1dn
MDK:sac:ph

April 1, 2013

Rep. Krug:

This bill is identical to 2011 LRB-3272/1, except for changes to the analysis that you requested, as well as the new exception in proposed s. 100.204 (3) (b), which is consistent with those changes.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1918/1
MDK:sac:ph

2013 BILL

1 **AN ACT** *to create* 100.204 of the statutes; **relating to:** motor vehicle adaptive
2 equipment for drivers with physical disabilities and granting rule-making
3 authority.

Analysis by the Legislative Reference Bureau

This bill regulates the installation of equipment that allows an individual with a physical disability to safely operate a motor vehicle. The bill refers to such equipment as "adaptive equipment." Under the bill, a person may install adaptive equipment for an individual in a manner that alters any original part or equipment in a motor vehicle only if the individual provides the person installing the adaptive equipment with both of the following: 1) a physician's written referral authorizing the individual's use of the adaptive equipment; and 2) written documentation that an occupational or physical therapist has recommended the adaptive equipment. The occupational or physical therapist's recommendation must be based on the therapist's evaluation of the individual's operation of a motor vehicle using mechanical, electronic, or computer equipment that is similar to the adaptive equipment that is recommended.

The bill also prohibits any other individual from providing an evaluation or training on the use of adaptive equipment unless the individual is both a driver education instructor and a driver rehabilitation specialist, and the individual either: 1) is an occupational or physical therapist; or 2) works in health care under the direction of a physician, occupational therapist, or physical therapist. The bill defines a "driver rehabilitation specialist" as an individual certified by the

BILL

Association for Driver Rehabilitation Specialists or an individual who satisfies qualification requirements specified in rules promulgated by the Department of Agriculture, Trade and Consumer Protection (DATCP).

The bill is enforced by DATCP. A person who violates the bill is subject to a criminal fine not exceeding \$200, imprisonment not exceeding six months, or both.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.204 of the statutes is created to read:

2 **100.204 Motor vehicle adaptive equipment.** (1) **DEFINITIONS.** In this
3 section:

4 (a) “Adaptive equipment” means equipment that allows an individual with a
5 physical disability to safely operate a motor vehicle.

6 (b) “Driver rehabilitation specialist” means an individual with an unexpired
7 driver rehabilitation specialist certification issued by the Association for Driver
8 Rehabilitation Specialists, or a successor organization, or an individual who, as
9 specified in rules promulgated by the department, is qualified to plan, develop,
10 coordinate, and implement driver rehabilitation services for individuals with
11 physical disabilities.

12 (c) “Qualified instructor” has the meaning given in s. 343.07 (1c).

13 **(2) INSTALLATION OF ADAPTIVE EQUIPMENT.** No person may install adaptive
14 equipment in a motor vehicle in a manner that alters any original part or equipment
15 in the motor vehicle as sold by the manufacturer unless the individual with a
16 physical disability for whom the adaptive equipment is installed provides the person
17 with all of the following:

BILL

1 (a) A written referral of a physician, as defined in s. 448.01 (5), authorizing the
2 individual's use of adaptive equipment.

3 (b) Written documentation that an occupational therapist or physical
4 therapist, licensed under ch. 448, has recommended the adaptive equipment for the
5 individual based on the therapist's evaluation of the individual's operation of a motor
6 vehicle using mechanical, electronic, or computer equipment that is similar to the
7 adaptive equipment that is recommended.

8 **(3) ADAPTIVE EQUIPMENT TRAINING.** (a) No individual may provide an evaluation
9 or training on the use of adaptive equipment unless the individual is a qualified
10 instructor and a driver rehabilitation specialist and the individual satisfies one of
11 the following:

12 1. The individual is licensed as an occupational or physical therapist under ch.
13 448.

14 2. The individual works in health care under the direction of a physician,
15 occupational therapist, or physical therapist, licensed under ch. 448.

16 (b) Paragraph (a) does not apply to an evaluation by an occupational or physical
17 therapist, licensed under ch. 448, that is described in sub. (2) (b).

18 (END)



Stephanie Gifford, OTR/L, LDI
Driver Rehabilitation Specialist

608-698-1050

**ADAPTIVE
EXPERTS**

648-9553

Adaptive Experts Corporate Headquarters
6475 11th St. North, Oakdale, MN 55128
adaptiveexperts@yahoo.com

Robert Welch

President



WELCH GROUP

PUBLIC AFFAIRS

16 North Carroll Street, Suite 600

Madison, WI 53703

Ph: 608.819.0150 Fax: 608.819.8232

E-mail: bob@thewelchgroup.org

www.thewelchgroup.org

also attending 5-17 meeting
was Terry Black, president of
Occupational Therapist Association

Kunkel, Mark

From: Kunkel, Mark
Sent: Friday, May 17, 2013 5:22 PM
To: Mueller, Eric
Subject: Redraft of LRB-1918/1

Eric, below are my notes from the meeting this morning. Please let me know if you have anything to add or correct.

Based on a meeting today with Bob Welch (lobbyist), Stephanie Gifford (occupational therapist) and Teri Black (president of Wisconsin Occupational Therapy Association), here are instructions for redrafting the bill:

Installation of "adaptive equipment" (definition in bill is okay) in a manner that alters any original part or equipment in the motor vehicle as sold by manufacturer (foregoing is same language as in bill) should be allowed only if: 1) done by a qualified mobility dealer who 2) obtains evidence/proof that individual for whom installed has obtained a) a clinical evaluation and b) a behind-the-wheel evaluation.

✓ Who is a qualified mobility dealer? It may be possible to refer to dealers operating under a Quality Assurance Program of the National Mobility Equipment Dealers Association. Check websites for narrative description of that program and organization. Alternatively, if the program is required or allowed under federal law, it may be possible to describe the program by reference to the federal law. Check whether federal law relating to the National Highway Safety Administration (NHSTA) deals with altering motor vehicles to install adaptive equipment.

✓ Clinical evaluation: must be performed by any occupational therapist (OT), physical therapist (PT), or physician (MD) (requester prefers mentioning OTs first). The OT, PT, or MD does not need any additional certification to do the clinical evaluation. A clinical evaluation is analogous to a physical, and must evaluate/measure the following: range of motion, strength, cognitive skills, visual skills (including perception), sensation, kinesthetic awareness, and medical history. The end product of the evaluation could be called an evaluation.

✓ Behind-the-wheel evaluation must be performed by an OT, PT, or MD who is a "driving rehabilitation specialist" (as defined in bill on page 2 lines 6 to 8, but delete reference to rules on page 2 lines 8 to 11) and who is a "qualified instructor" as defined in the bill. However, allow an OT, PT or MD who is training to be a driver rehabilitation specialist, and who is under the supervision of a driving rehabilitation specialist, to satisfy the driving rehabilitation specialist requirement. The evaluation must be performed in a vehicle that complies with requirements for driver's education vehicles, must involve the use of appropriate adaptive equipment, and must include training related to use of that equipment. The purpose is to do an assessment in a car to determine what adaptive equipment is appropriate for an individual and provide training on use of the equipment. The end product of the evaluation could be called a vehicle modification order.

✓ Distinction between clinical evaluation and behind-the-wheel evaluation: clinical evaluation determines whether individual can use adaptive equipment in general and behind-the-wheel evaluation determines which specific equipment is appropriate.

After a qualified mobility dealer installs equipment, the person who performed the behind-the-wheel evaluation must confirm/verify that the appropriate equipment has been installed. My notes don't indicate it, but I think this step might also involve additional training on use of equipment. Add to draft or raise this issue in a drafter's note?

DMV role: Based on assumption that Division of Motor Vehicles (DMV of DOT) must issue license/certification or other approval for individual's use of adaptive equipment, prohibit DMV from doing that unless individual provides evidence (or otherwise certifies?) that the following were done: 1) clinical evaluation; 2) behind-the-wheel evaluation; and 3) behind-the-wheel evaluator confirmed/verified appropriate equipment was installed (as described above). DMV role

possibly limited to reviewing application form that checks off foregoing 3 components. Check DMV form MV3644, which may relevant to DMV role.

Move language out of DATCP chapter and into DOT chapter. Check what default DOT penalties could apply. Requester was okay with DATCP penalties in bill, so provide for comparable DOT penalties, if possible. DOT should not have to do rule-making to administer the bill, but bill should be specific enough to administer without rules. Also don't DOT to be able to add additional requirements by rule.

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1918/1
MDK:sac:ph

2013 BILL

1 AN ACT *to create* 100.204 of the statutes; **relating to:** motor vehicle adaptive
2 equipment for drivers with physical disabilities and granting rule-making
3 authority.

Analysis by the Legislative Reference Bureau

This bill regulates the installation of equipment that allows an individual with a physical disability to safely operate a motor vehicle. The bill refers to such equipment as "adaptive equipment." Under the bill, a person may install adaptive equipment for an individual in a manner that alters any original part or equipment in a motor vehicle only if the individual provides the person installing the adaptive equipment with both of the following: 1) a physician's written referral authorizing the individual's use of the adaptive equipment; and 2) written documentation that an occupational or physical therapist has recommended the adaptive equipment. The occupational or physical therapist's recommendation must be based on the therapist's evaluation of the individual's operation of a motor vehicle using mechanical, electronic, or computer equipment that is similar to the adaptive equipment that is recommended.

The bill also prohibits any other individual from providing an evaluation or training on the use of adaptive equipment unless the individual is both a driver education instructor and a driver rehabilitation specialist, and the individual either: 1) is an occupational or physical therapist; or 2) works in health care under the direction of a physician, occupational therapist, or physical therapist. The bill defines a "driver rehabilitation specialist" as an individual certified by the

BILL

Association for Driver Rehabilitation Specialists or an individual who satisfies qualification requirements specified in rules promulgated by the Department of Agriculture, Trade and Consumer Protection (DATCP).

The bill is enforced by DATCP. A person who violates the bill is subject to a criminal fine not exceeding \$200, imprisonment not exceeding six months, or both.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.204 of the statutes is created to read:

100.204 Motor vehicle adaptive equipment. (1) DEFINITIONS. In this section:

(a) "Adaptive equipment" means equipment that allows an individual with a physical disability to safely operate a motor vehicle.

(b) "Driver rehabilitation specialist" means an individual with an unexpired driver rehabilitation specialist certification issued by the Association for Driver Rehabilitation Specialists, or a successor organization, ~~for an individual who, as~~

~~specified in rules promulgated by the department, is qualified to plan, develop, coordinate, and implement driver rehabilitation services for individuals with~~

~~physical disabilities or qualified instructor~~

(c) "Qualified instructor" has the meaning given in s. 343.07 (1c).

(2) INSTALLATION OF ADAPTIVE EQUIPMENT. No person may install adaptive equipment in a motor vehicle in a manner that alters any original part or equipment in the motor vehicle as sold by the manufacturer unless the individual with a physical disability for whom the adaptive equipment is installed provides the person with all of the following:

~~or is~~ or is, under supervision of a driver rehabilitation specialist

(1) as defined or
(2) training & supervision

OT, PT, or MD who is (1)

driving school
Speed 57

(2)
a qualified instructor

BILL

~~(a) A written referral of a physician, as defined in s. 448.01 (5), authorizing the individual's use of adaptive equipment.~~

(b) Written documentation that an occupational therapist or physical therapist, licensed under ch. 448, has recommended the adaptive equipment for the individual based on the therapist's evaluation of the individual's operation of a motor vehicle using mechanical, electronic, or computer equipment that is similar to the adaptive equipment that is recommended.

~~(3) ADAPTIVE EQUIPMENT TRAINING. (a) No individual may provide an evaluation or training on the use of adaptive equipment unless the individual is a qualified instructor and a driver rehabilitation specialist and the individual satisfies one of the following:~~

1. The individual is licensed as an occupational or physical therapist under ch.
448.

2. The individual works in health care under the direction of a physician, occupational therapist, or physical therapist, licensed under ch. 448.

(b) Paragraph (a) does not apply to an evaluation by an occupational or physical therapist, licensed under ch. 448, that is described in sub. (2) (b).

(END)